1927

Department of Excise.

OFFICE

STATION Madras.

No. 1435 alk

Dated 13. 7. 27.

Seen by C.

To whom sent		Date	Initial.
	Given for copying	K	
	Copied	1 Rr	
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	Signed	14/7	
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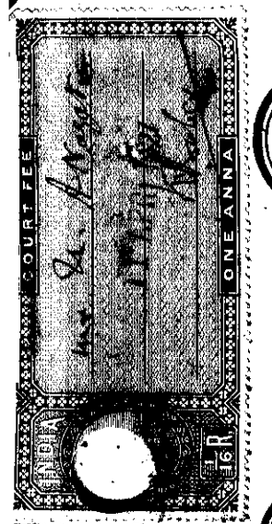
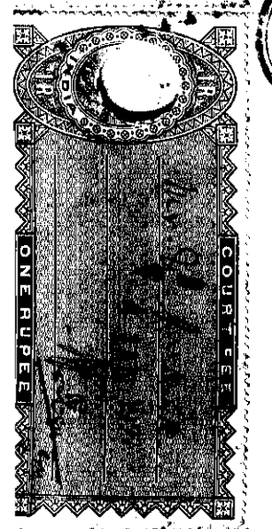
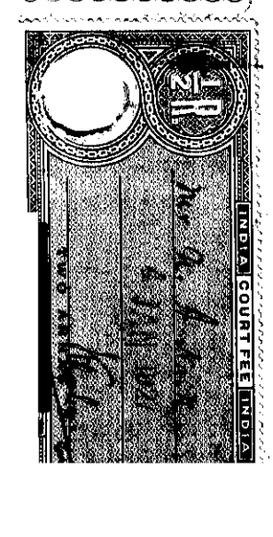
(SUBJECT.)

Drugs - ganja and opium shops - Mangalore Town - retention in separate Rooms of the same buildings - petition from Ullal Ananthaca Nayak - orders passed

* Not to be filled in in the case of permanent records.



OFFICE OF THE COMMISSIONER OF EXCISE
14 APR 1927
MADRAS

4249

ABRAM

OFFICE OF THE COMMISSIONER OF EXCISE
7-MAY 1927
MADRAS

To THE COMMISSIONER OF EXCISE

3571

405 Triplicane.,

M A D R A S.

COLLECTOR'S OFFICE
1 JUN 1927
SOUTH KANARA

Humble petition of Ullal Anantha Nayak, Opium - and Ganjah Shop Renter, Mangalore.,

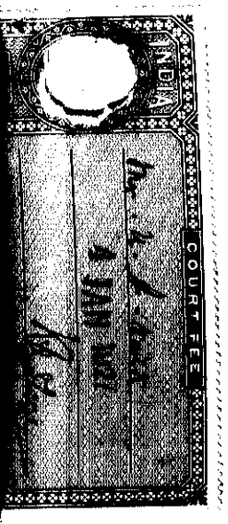
Dated 11th April 1927.

Most humbly and respectfully sheweth:-

1. That the petitioner humbly begs to -- state that he as an Opium Shop Renter and Mr. K. Anantha Prabhu as a Ganjah Shop Renter, as partners jointly had carried their Opium - and Ganjah business from more than 20 years in a shop --- No.598 Gollicutta Bazaar by dividing the said shop into - two equal rooms for conducting each business in each room. During those 20 years many of the Assistant Commissioners and Deputy Commissioners had visited the said two rooms and inspected them without any objections except one Mr. Taylor who in 1924 had visited the two shops as an ----- Assistant Commissioner and was pleased to direct the two renters that one of the two businesses should be removed to another shop. Mr. K. Anantha Prabhu removed the ---- Ganjah shop to another building and made a petition to -- the Deputy Commissioner who had come to Mangalore on ---- circuit and inspected the rooms personally, passed his -- orders permitting the petitioner to locate and carry on - the Ganjah and Opium Trade into the same two rooms under the same roof. From that time the two businesses were being carried on freely by the two renters in those two rooms.

That in the auction sales of Opium & Ganjah Shops held before the Divisional Officer, on the 1st February 1927, the petitioner had purchased the Opium and Ganjah Shop for a monthly rental of Rs.300/- in full belief that he can as usual carry on his trade

businesses in the same two rooms in the Official Year --- 1927-28. But to the misfortune of the petitioner, five days after he had purchased the two shops an Assistant -- Commissioner who had come to Mangalore on circuit and --- inspected the two shops and had written a remark that one of the two shops should be removed to another building -- (the same remark which Mr. Taylor had written in 1924) -



That to remove his Ganjah business to another shop there is not a single shop in the whole ---- bazaar without being occupied by a trader. He therefore asked the brother of his opium seller Ullal M Nagesh - Nayak, a native medicine trader to vacate and lend his -- shop to the petitioner for Ganjah trade for a month and - occupied it. That by the end of April he is required -- to vacate the shop. There is no other way left to the petitioner but under Your Honour's permission to reoccupy his old room so that he can vacate the newly selected - shop to its occupier Mr. Nagesh Nayak.

That the present Assistant Commission -er is not just in persisting to modify his orders even - after it was brought to his notice that his predecessor - Mr. Taylor has passed the same order in 1924 and his ---- Superior Officer the Deputy Commissioner was pleased to - modify it. That the orders passed by the Deputy Commi- -ssioner under the signature of Mr. Raman Menon B.A. ---- a kind hearted genourous gentleman who had been the ----- Circle Inspector at Mangalore at that time is herewith -- submitted for your Honour's kind perusal and return.

That your petitioner therefore prays that the Honourable Commissioner of Exise may be graci- -ously pleased to permit the petitioner to reoccupy the - room of the shop No.598 and carry on as hitherto carried his Ganjah business in it in future.

For which act of justice and genero- -sity he shall ever remain grateful.

Submitted on 2 May 1927 duly stamped

R F. XXII-A-86—4,504—16-1-17.

Read Petition from Ullal Anantha Nayak

of Opium and ganja shop renter - Mangalore

dated 11-4-1927

Endorsement No. 3576, dated 25-4-27 191, on Petn. Reg. No. of 191

THE petition read above does not conform to rules (1) and (4) of the appended rules governing the stamping of petitions and their enclosures. The defect should be remedied within one month from the date of receipt of this order otherwise the petition will be liable to summary rejection.

27 APR 1927

BOARD OF REVENUE,
Excise Department
Dated 25-4-1927.

Assistant Secretary.

To the Petitioner.
(with a petition and returned)

APPENDIX.

Rules governing the stamping of petitions and enclosures submitted to the Board of Revenue.

(1) Petitions submitted to the Board, which are of the nature of appeals, should bear a court-fee stamp of the value of Rs. 2; but darkbast appeals require no stamp.

(2) Miscellaneous petitions, including supplemental and review petitions, should be stamped with a court-fee stamp of the value of Re. 1-8-0

(3) Applications for copies should bear a stamp of the value of one anna, and should be accompanied by the requisite number of copy-stamped papers, at the rate of one sheet for every 175 words, and by search fees in the shape of court-fee labels at the rates shown below :—

(i) For the first or only document named in an application—
  (*a*) for the first or only year of which the records have to be searched .. As. 8
  (*b*) if the records of more than one year have to be searched, an additional fee, for each year after the first, of .. .. ,, 4
(ii) For every document other than the first named in an application .. ,, 4

Note.—No search fee is required for documents relating to the current calendar year.

(4) Copies of official documents submitted as enclosures to petitions addressed to the Board should be duly authenticated by the officers concerned, and should be stamped with court-fee labels at the rate of 8 annas for every 360 words or fraction of 360 words. This rule as to stamping applies equally to original orders issued from any Court or Office. Copies of judgments, decrees or orders passed on claims preferred under Regulation VI of 1831, or under Act III of 1895, and on applications filed by either party in the course of trial of suits and appeals, or in the course of execution of decrees under the aforesaid Regulation or Act, are exempt from stamp duty.

(5) Vakalatnamas, in cases dealt with by the Board, should be stamped with a court-fee stamp of the value of Rs. 2.

(6) When documents are not stamped in accordance with the foregoing rules, stamps will be called for from the parties, who should submit them to the Board within one month from the date of receipt of the call; otherwise the petitions will be liable to be summarily rejected.

(7) No money or currency notes will be received by the Board in lieu of court-fee stamps or copy-stamped papers required under the foregoing rules.

Note.—(1) Petitions for the return of records and reminder petitions need not be stamped.

(2) No stamp duty is leviable on appeals preferred by public servants as such (except village officers governed by Madras Acts I of 1889, II of 1894 and III of 1895) or on applications for copies required for the purpose of such appeals, or on exhibits filed with such appeals.

In reply, please quote number, date and short title.

*Received*_____ *Registered*_____

From (Name) C. B. Bendnall Esquire,

(Designation) Assistant Commissioner of Excise,

Post Box_____, (Station) West-Coast Division, Cannanore.

*Telegraphic Address*_____

E. No. Au-4160-27.

To The Secretary to the Commissioner of Excise,

Madras.

Sir,

With reference to your Proceedings No. [illegible] dated [illegible] 192

p64

ENCLOSURES_____

ARE COPIES_____

5-395

(S) p3

(N) 1-2-3

[illegible] the petition of [illegible] for permission to [illegible] shop in the [illegible] building, there in the Fort [illegible] Commission, which is against [illegible] of the proposed condition will be [illegible] Excise Proceedings No. 107 574 R. dated 8th May 1926, regarding [illegible] and the same may be [illegible] do not consider [illegible] buildings or [illegible] the [illegible] of the above condition [illegible] I ordered that [illegible] shop should [illegible] building [illegible] Fort [illegible] Commissioner. I [illegible] the circumstances which the Deputy Collector [illegible] the loss of both the shops in the [illegible] building in 1924.

The petitioner [illegible] the matter of both the shops the same [illegible] and prays that it [illegible] convenience to allow the both the shops to [illegible] that one man can attend to both. If [illegible] other building is available in [illegible] cannot be allowed.

In this connection I would invite the attention of the Commissioner to para 6 of his proceedings D.No 1342 Abkari dated 30-6-25 - Review on my inspection remarks of Tellicherry Circle - wherein he has observed that the location of such shops in the [illegible] building is contrary to orders. The petition is herewith resubmitted.

No. A4.4160-27.

Submitted to the Commissioner of Excise.

According to the last sentence of Standing Order 10 (b) (3) of the Excise Manual Vol.II (Fourth Edition) business must generally be done in a separate place under each licence, unless all the licences are for the consumption off the premises. As opium and ganja are consumed off the premises, I consider that there is no objection to the location of the shops in separate rooms of the same building nor can I see what objections there are to having the two shops close together.

South Kanara Collector's Office,
Mangalore, Dated 9th June, 1927.

For Collector.

9/6

17 707

Revenue **DEPARTMENT.**

C F. 91

CURRENT No. 2906C

Received 22 JUL 1927 192 . *Registered* 22.7.27 192

Subject.

Buildings Government (Chingleput)- Collector's office- office of the District Inspector of Local Fund Accounts-Location.

ENCLOSURES
No.
Spare copies

Endorsement. No. E 3516/27

Station Madras, *Dated the* 20th July 1927. 192

From W. Scott Brown Esq., I.C.S.,
Secretary,

Land Revenue. and
The Board of Revenue, ~~Revenue~~ Settlement, etc.
~~Separate Revenue.~~

H.G. Stokes Esq., C.I.E., I.C.S.,
Commr. of Land Revenue.

~~Resolution~~
~~Reference.~~

Read the following papers:-

Memorandum from Government, Revenue Department, No.2283 C/27-2, dated the 13th June 1927.

II

Letter from J.Gray Esq., O.B.E., I.C.S., Collector of Chingleput, D Dis.No. 7623-27-B2 dated the 16th July 1927.

Endorsement.-

In continuation of its reference E 3516-27-3, dat 16th July 1927, the Board submits that the building occupied by

Subject.

[Mangalore town – Location of Ganja and Opium Shops in the same building

Note.

Please ~~see~~ P

and the letter from the Asst Comm. Cannanore, Submitted through the Collector R. B. R. No. 273/27, dated 2-6-27.

P 7 f.

2/ The D. C. States that in the Mangalore town ganja and opium Shops are loca in the same building which is against the ge Conditions applicable to Abkari and opium licen The Collector in his endorsem is of opinion that in view of the fact that both ganja an opium are consumed off the premises there can b no objection to the Shop being located in the rooms of the same bui

3/. The question has been fu discussed in B.P. No. 107/ R. Abk. & 6 – 5 – 09.

has been ~~was~~ held that ~~the~~ general
rule is applicable to
Abkari and opium licenses
does not permit the location
of ~~an~~ opium and ganja
~~shop~~ in adjacent rooms of
the same building. This
view was also held by the
Commissioner when a similar
case was brought to notice
in the Asst. Comm's ~~letter~~ notes of
inspection of the Malapuram
Circle in 1925. Commissioner's (L) pp 37-38
Proceedings D. No. 1342/abk
dy 20-6-25.

~~6~~. The petitioner quotes an
order issued by the Deputy p3 of
Commissioner Southern Div. in 1924,
but there are no papers to
show in what circumstances this order was
issued Contrary to the
orders of the Board issued
in 1909. It was formed
in 1909 that there was a para 2 p2 (N)
common renter and a common
seller for the opium and ganja
ops and that the A.C. found
anja being sold in the opium shop.

| vide C's remarks at p4 (N)

para 1 pl 4

5/ The petitioner's Statement that the two shops have been located in adjacent rooms in the same building from 1924 has not been [illegible] by the D.C. or the Collector. Apparently took the shops under the impression that no practice will be continued. If considered necessary the Collector may be instructed to permit the shops to be located in the adjacent rooms for the rest of the current lease. The fact that the practice will not be permitted should be duly announced at next Sales. Orders

The DC points out that the petitioner's plea that no other building is available in Mangalore cannot be held. No change seems however necessary in current lease.

As regards the general question of location of shops of different kinds in adjacent rooms of the same building, such location will generally be insisted upon by renters only when

YB
27-6-47.

two shops happen to be under the same vendor. This is pointed out by the Collr no prima facie objection can be made out in the present case. ~~that~~ ~~Recommend Board to dispose of appeal in accordance with~~ ~~the~~ ~~finding~~

Rly 27.7

p8y

Go 29.7

The intention of Condn 4 applicable to all Abkari opium licences is clear from S.O 10 b(3) of 24. Manual Vol II p.9. ~~is~~ The rule about business under each licence being Conducted in a separate ~~place~~ building was not intended to apply to licences for "Off. Consumption" Ganja & opium are not consumed on the premises. In the case under refce. the shops are in Srikatta Bazaar which is a row of buildings under a continuous roof and sales are conducted in each room or building which is compact & separate by itself. There is no "Community of verandah" referred to as objectionable by the C ~~Govt~~ in (N) when B.P 107 of 6.5.05 was passed: As regards "occupancy" of the shops; it is a variegated Bazaar full of petty shops where all kinds of things (hardware, soaps, cooking utensils etc a) are sold The D.F. Southern Dn inspected the shops personally with me in Dec. of 23 when I was Collr. Mangalore & opined that there was no objection whatever to allow the shops to remain in adjacent rooms (with access to common verandah) of the Bazaar & passed the order on p.3 Cf. The Coll.r who has evidently seen the shops is right in his view & it is in accordance with

p.3 (S

the instructions in S.O 10 b(3) of Ex. Manual Vol II The Coll may therefore be Concerned ~~any~~ & the shops allowed to Continue in two separate ~~shops~~ rooms of the row of shops in the Bazaar as heretofore provided that ~~that~~ all communication between the two rooms is blocked.

5/7/27

7.7.27.

A.S -
S

Sir,

Draft is submitted below for approval.

11/7/27 11/7/27

12/7/27 13/7/27

M. 16—12.26.975—24-9-26

DRAFT FOR APPROVAL

Enclosures.

Despatch No

When given to fair copying

Fair-copied by

Fair -copy compared by

When despatched

Office.

C Register No. 0576 dated 4/27

(1) Petition dt 11-4-27 from Ullal
From Ananthu Nayak

(2) Letter R. B.R. No. 273/27 dt 24-6-27
from the A.C. West Cma

(3) Endt L. dis. A-4. 4160-27 dt 9-6
Subject. from the Collr of S.

Drugs - ganja and opium -
- Mangalore Town - relaxation
To separate rooms of the same
— The petition from Ullal Ananthu
Nayak — orders passed

Proc.

The C agrees
the Collr that as opium
ganja are consumed off the
premises, there is no objec
permit the location of t
and opium shops of Mang
Town in separate rooms
same building provided
Communication between the
Rooms is blocked.

2/. The petitioner